

# HOUSE . . . . . No. 1169

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By Mr. Larkin of Pittsfield, petition of Peter J. Larkin relative to truancy enforcement and school attendance. Education.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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### AN ACT TO IMPROVE TRUANCY ENFORCEMENT AND ENCOURAGE SCHOOL ATTENDANCE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 76 of the General Laws, as appearing in  
2 the 2000 Official Edition, is hereby amended by inserting after  
3 section 20 the following new Section:—  
4 Section 20A. A police officer, during the course of duty, may  
5 apprehend and take to school without a warrant any truant or  
6 absentee found wandering in the streets or public places of the  
7 city or town in which the police officer is employed or to which  
8 the police officer is assigned, provided, that said truant identifies  
9 himself to the officer as a truant or the police officer has reason to  
10 believe that said student is truant; provided, that such additional  
11 duties shall be requested by a majority vote of the school com-  
12 mittee; provided further, that prior to final authorization said  
13 request shall be subject to approval by a majority vote of the city  
14 or town's legislative body, as defined by clause eighteenth of  
15 section 7 of chapter 4, or legislative bodies in the case of regional  
16 school districts. Such action shall be taken only after a collabora-  
17 tive plan is drawn up and agreed to by the school committee, in  
18 consultation with school councils, and the police department.  
19 Such plan shall include a protocol for the apprehension of truants,  
20 including a procedure by which the school and the police depart-  
21 ment shall communicate on a daily basis solely to determine who  
22 is truant on that particular day. The appropriate school officials  
23 shall immediately conduct an evaluation of said truant upon being  
24 returned to school by police or any supervisor of attendance solely

25 to determine the appropriate educational placement, such place-  
26 ment being said students' regular educational classroom and  
27 schedule or an appropriate alternative educational environment,  
28 either in school or in district. School officials shall consider, but  
29 shall not be limited to, the following factors in making such deter-  
30 mination; likelihood of disruption to the classroom upon said tru-  
31 ant's return and also the safety of school personnel, students, and  
32 said truant. No law officer shall be held liable in any civil action  
33 regarding personal injury or injury to property brought by any  
34 individual apprehended under this section when such officer acted  
34 reasonably and in good faith.

1 SECTION 2. Section 2 of chapter 76 of the General Laws is  
2 hereby amended by striking out, in line 5, the work "twenty" and  
3 inserting in place thereof the words "one hundred."

1 SECTION 3. Section 2 of said chapter 76 is hereby further  
2 amended by adding at the end thereof the following new sen-  
3 tence:— "Supervisors of attendance may recommend to school  
4 district officials that a child failing to attend school for seven day  
5 sessions or fourteen half day sessions within any period of six  
6 months, perform a reasonable amount of community service, the  
7 length and nature of which shall be determined by school officials  
8 in consultation with the supervisor of attendance."